

REMARKS

Claims 1-8 have been examined. Claims 5-8 have been rejected under 35 U.S.C. § 102(b), and claims 1-4 have been rejected under 35 U.S.C. § 103(a).

I. Preliminary matters

The Examiner has objected to the specification and to claim 5 because they contain typographical errors. Applicants submit that the amendments to the specification and the claim overcome the objections. Also, Applicants submit that the correction of the typographical error in claim 5 clearly does not change the scope of the claim.

II. Rejection under 35 U.S.C. § 102(b) over U.S.P. 5,517,292 to Yajima et al. ("Yajima")

Claims 5-8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Yajima. Applicants submit that the claims are patentable over the cited reference.

A. Claim 5

Claim 5 is patentable over Yajima. For example, claim 5 states that when the record medium contacts the roller, the record medium pushes against the roller to increase a gap between the exfoliating member and the fixing roller. On the other hand, Yajima does not disclose or suggest such feature.

For example, as shown in Fig. 6 of the reference, a piece of paper 10 travels on the alleged fixing roller 2, and a front end 36a of a separation claw 36 separates the paper 10 from the roller 2. Afterwards, the paper 10 abuts against the bottom of the alleged roller 38. However, assuming *arguendo* that the paper 10 is capable of pushing the roller 38, it would push

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the roller 38 upwards to decrease the gap between the alleged exfoliating member 35 and the alleged fixing roller 2. Therefore, Applicants submits that claim 5 is patentable over Yajima.

B. Claims 6-8

Since claims 6-8 depend upon claim 5, Applicants submit that they are patentable at least by virtue of their dependency.

III. Rejection under 35 U.S.C. § 103(a) over JP 09-134,090 to Hashino ("Hashino"), JP 05-197,305 to Oda et al. ("Oda"), and U.S. Pub. No. 2002/0131801 to Tomatsu ("Tomatsu")

Claims 1 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashino, Oda, and Tomatsu. Applicants submit that the claims are patentable over the cited references.

A. Claim 1

Applicants submit that claim 1 is patentable over the cited references. For example, claim 1 states that the restricting members are brought into contact with portions of the fixing roller which are outside the press contact portion where the pressing roller presses against the fixing roller.

An illustrative, non-limiting embodiment of the claim 1 is shown in Figs. 1 and 3 of the present application. As shown in the figures, the restricting members 80 contact portions of the fixing roller 61, which are outside of the portion where the pressing roller 62 presses the fixing roller 61. As a result of such a configuration of the non-limiting embodiment, the restricting members 80 can stably contact the surface 61b of the fixing roller 61, even if the edge portion

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62c of the pressure roller 62 creates a ring-like contact mark T1 in the fixing roller 61. (Present application at page 16, line 23, to page 17, line 5).

On the other hand, the references (alone or in combination) do not suggest the features recited in the claim. The Examiner alleges that Hashino teaches that the alleged restriction members 15 contact a portion of the alleged fixing roller 1, which is outside the width of the paper passage. However, he acknowledges that the reference does not suggest that the alleged restricting members 15 contact portions of the alleged fixing roller 1 other than the portions that the alleged pressing roller 2 contacts. (Office Action at pages 4 and 5).

However, the Examiner contends that Oda teaches a pressing roller 22 that has a length that is shorter than a fixing roller 21. Furthermore, he maintains that such teachings, in combination with the teachings of Hashino, suggest restricting members that contact a fixing roller at portions other than portions at which a pressing roller contacts the fixing roller. Applicants respectfully disagree.

Fig. 2 of Hashino expressly teaches that the alleged restricting members contact the alleged fixing roller 1 at portions at which the alleged pressing roller 2 contacts the alleged fixing roller 1. Moreover, Oda does not disclose any type of restricting members whatsoever. Accordingly, the combined teachings of the references provide no suggestion of positioning restricting members such that they contact a fixing roller at portions other than portions at which the pressing roller contacts the fixing roller. Since Tomatsu does not suggest restricting members, Applicants submit that claim 1 is patentable over the cited references and respectfully

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submits that the Examiner is impermissibly using hindsight to combine the references in an attempt to arrive at the claimed invention.

B. Claim 3

Claim 3 states that middle portions of the restricting members are brought into contact with end edge portions of the fixing roller. An illustrative, non-limiting embodiment of the claimed feature is shown in Fig. 3. As shown in the figure, a middle portion of the restricting member 80 contacts an end edge portion 61c of the fixing roller 61. In the illustrative, non-limiting embodiment, in light of the above arrangement between the member 80 and the roller 61, the interval G between the surface 61b of the fixing roller 61 and the exfoliating member remains constant, despite changes in temperature. (Present application at page 17, line 14, to page 18, line 4).

Since the combination of Hashino, Oda, and Tomatsu does not suggest positioning restricting members such that they contact a fixing roller at portions other than portions at which the pressing roller contacts the fixing roller, the references do not suggest positioning a middle portion of restricting members at an end edge portion of the fixing roller. Accordingly, Applicants submit that claim 3 is patentable.

III. Rejection under 35 U.S.C. § 103(a) over Hashino, Oda, Tomatsu, and U.S.P. 4,370,051 to Matsuyama et al. ("Matsuyama")

Claims 2 and 4 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashino, Oda, Tomatsu, and Matsuyama. Applicants submit that the claims are patentable over the cited references.

A. Claim 2

Applicants submits that claim 2 is patentable over Hashino, Oda, Tomatsu, and Matsuyama.

For example, claim 2 states that (1) an exfoliating member exfoliates a record medium from a surface of a fixing roller, (2) a restricting member is brought into contact with the surface of the fixing roller, and (3) an outer side portion of the restricting member is arranged on an outer side of an end edge portion of the fixing roller. Therefore, as recited in the claim, the restricting member must contact a surface from which the recording medium is exfoliated and must have an outer side portion arranged outside the edge of the fixing roller.

Assuming *arguendo* that, in Hashino, the fixed part 15 relates to a restricting member and that the roller 1 relates to a fixing roller, Fig. 2 of the reference clearly shows that the restricting member 15 does not have an outer side portion arranged outside the end edge of the fixing roller 1 as claim 1 requires. Also, assuming *arguendo* that, in Matsuyama, the part 21a relates to a restricting member and that the roller 6 relates to a fixing roller, the entire contacting portion of the restricting member 21a is disposed within a groove 6a of the roller 6. Therefore, Matsuyama does not suggest that the restricting member 21a contacts a surface from which a recording medium is exfoliated, as claim 1 requires.

Moreover, modifying Matsuyama such that a contacting portion of the restricting member 21a contacts the surface from which a recording medium is exfoliated would contradict the express purpose of the member 21a and would prevent the Matsuyama device from operating as intended. Specifically, the roller (*i.e.*, drum) 6 is mounted in an electrophotographic device by

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inserting the drum 6 through the hole 37. (Column 4, lines 57-61). Once the drum 6 is inserted through the hole 37, the lid 36 is closed, which causes the restricting members (*i.e.*, the pawl tips) 21a to engage the grooves 6a in the drum 6 to secure the drum in place. (Column 6, lines 15-27).

Accordingly, if the pawl tips 21a were modified so that they contact the surface of the drum 6 from which the recording medium is exfoliated, the tips 21a would not be able to fit into the grooves 6a and secure the drum 6. In fact, the Matsuyama expressly teaches that the pawl tips 21a cannot touch the surface of the drum 6, because, otherwise, the drum 6 will be damaged. (Column 1, lines 10-15; column 2, lines 3-14; column 5, lines 43-48; column 6, lines 12-14 and 61-64; and column 7, lines 4-30).

Thus, based on the express teachings Matsuyama and Hashino, Applicants submit that one skilled in the art would not have been motivated to combine their teachings, and even if their teachings are combined, the resultant device would not suggest the claimed features discussed above. Since Oda and Tomatsu do not suggest anything remotely resembling restricting members and therefore, cannot cure the deficient teachings of Hashino and Matsuyama, Applicants submit that claim 2 is patentable over the cited references.

B. Claim 4

Since claim 4 contains features that are similar to the features recited in claim 2, Applicants submit that the claim is patentable for reasons that are similar to the reasons presented above.

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IV. Newly added claims

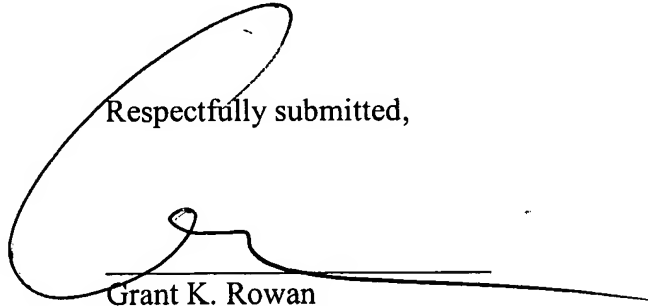
Applicants have added new claims 9-17 to provide more varied protection for the invention.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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